

## REMARKS

Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

### Drawings

The drawings are objected to because Figures 24 through 28 are not labeled --PRIOR ART--.

In response, a Submission of Corrected Sheets of the Drawings is being filed concurrently herewith in which the label --PRIOR ART-- has been added to Figures 24 through 28. No new matter has been added. It is respectfully submitted that the objections to the drawings has been overcome.

### Specification

The specification has been amended to place it in better form. It is respectfully submitted that no new matter has been added.

### Claims Status

Claims 1 through 6 remain pending in the application. Claims 7 through 9 have been canceled. Claims 1 and 3 have been amended to even more succinctly define the invention and/or to improve their form. It is respectfully submitted that no new matter has been added. Claim 1 is the only independent claim pending in the application.

### Claim Objection

Claims 3 through 6 are objected to for the reasons succinctly set forth in the Official Action. In response, Claim 3 has been amended in the manner kindly suggested by the Examiner. Accordingly, the objection has been overcome.

### Art Rejections

Claims 1 and 6 through 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,185,393 (Karakama, et al.).

Claims 2 through 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Karakama, et al. in view of U.S. Patent No. 6,708,010 (Miyabe '010).

The rationale underlying the foregoing art rejections is succinctly set forth in the Official Action.

### Response to Art Rejections

The rejections of the pending claims are respectfully traversed.

Amended Claim 1 calls for a developing apparatus that includes a developer container for containing a developer; a developer carrying member to be rotated while carrying the developer thereon, the developer carrying member being provided in an opening portion of the developer container; and a sealing member which extends in a circumferential direction of the developer carrying member in the vicinity of an end of the developer carrying member and regulates movement of the developer toward the end of the developer carrying member by a magnetic force, the sealing member including an arcuate portion extended along a peripheral surface of the developer carrying member and a non-arcuate portion disposed at an end, in the circumferential direction, of the arcuate portion. The end surface of the arcuate portion of the sealing member on a side where the

non-arcuate portion is not provided, is inclined such that a phantom plane including the end surface is closer to the arcuate portion than a center of arcuation of the arcuate portion.

The end surface is abutted against a mounting end surface provided on the developer container so that the arcuate portion is pressed against a mounting arcuate portion provided on the developer container.

A feature of the present application recited in amended Claim 1 is characterized by a combination of an inclined end surface of an arcuate portion of a sealing member and an arcuate portion pressed against a mounting arcuate portion provided on said developing container.

As a result of the claimed combination, positioning of the sealing member is performed in a plane perpendicular to the lengthwise direction of the developing roller. See, for example, page 37, lines 20 through 24 of the specification.

Karakama, et al. ('393) discloses a developing apparatus including a magnetic sealing member 71 having an upward facing surface 79c as shown in Figures 56 and 57. The upward facing surface 79c is a part of an elastic lining 77, as a sealing member, formed of elastic material. See column 42, lines 54 through 56. A semicircular portion 71a of the sealing member 71 does not press and cannot be pressed against a curved surface 72a formed in a groove 72 of a frame 12 by causing the upward facing surface 79c to abut against a bottom end surface 72f of the groove 72. See, for example, Figure 47; see also column 43, lines 7 through 16; and column 46, lines 25 through 33.

It is respectfully submitted that Karakawa, et al. '393 does not disclose or suggest the above-described expressly-claimed feature and does not anticipate the claimed invention.

Miyabe '010 is cited against selected dependent claims for allegedly disclosing salient features recited in the dependent claims.

It is respectfully submitted that Miyabe '010 does not overcome the deficiencies of Karakama, et al. '393 *vis-à-vis* amended Claim 1.

It is also respectfully submitted that the combination rejection is not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so, i.e., firmly and correctly positioning a magnetic seal. A combination rejection is proper only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine the teachings of the cited art. There is nothing in the cited art which supports the position that it can be combined in the manner suggested. Even if the art could be so combined, the mere fact that the art can be combined is not sufficient if there is no suggestions in the art that such a combination is desirable. For example, see ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

In view of the foregoing, it is respectfully submitted that Claim 1 is allowable over the cited art whether taken individually or in combination.

#### Dependent Claims

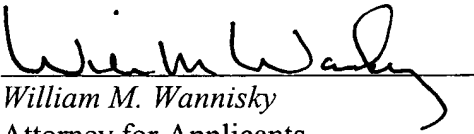
Claims 2 through 6 depend either directly or indirectly from Claim 1 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention. Individual consideration of the dependent claims is respectfully requested.

Closing Comments

It is respectfully submitted that the pending claims are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,



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